

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRIAN J. MCCARTHY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	FILE NO. _____
)	[On removal from the State
STATE FARM FIRE AND)	Court of Gwinnett County,
CASUALTY COMPANY,)	Georgia, Civil Action
)	File No. 22-C-07620-S4]
Defendant.)	
)	

AFFIDAVIT OF TAMMI MINTER

In accordance with the terms and provisions of 28 U.S.C. § 1746, I hereby declare and state as follows:

1.

My name is Tammi Minter. I am over eighteen (18) years old and do not suffer from any mental infirmities. I have personal knowledge of, and am otherwise competent to testify regarding, the facts stated herein. I reside in Gwinnett County, Georgia.

2.

I am employed as a Team Manager in the Claims Department with State Farm Fire and Casualty Company, and I am authorized to act on behalf of State

Farm Fire and Casualty Company (“State Farm”). Through my position as a Team Manager, I am familiar with the facts and information attested to herein.

3.

I, along with other State Farm representatives, was assigned to investigate and evaluate the claim submitted by Brian McCarthy as the result of a wind loss (the “Loss”) to property located at 1370 Cherokee Trail, White Plains, Georgia 30678 (the “Property”). State Farm assigned the claim number 11-29G2-75T.

4.

On or about September 1, 2022, a public adjuster submitted a letter of representation to State Farm on Plaintiff’s behalf advising that Plaintiff had “retained [his] services.” A true and correct copy of this correspondence is attached hereto as **Exhibit 1**.

5.

On or about October 9, 2022, Plaintiff, through his public adjuster, submitted a repair estimate to State Farm in the amount of \$62,379.50 which purported to reflect the cost to repair damages to the Property as a result of the Loss. A true and correct copy of this repair estimate is attached hereto as **Exhibit 2**.

6.

Plaintiff filed the subject lawsuit against State Farm on January 2, 2023, in the State Court of Gwinnett County, Georgia, where the case was designated as Civil Action File No. 22-C-07620-S4.

7.

In his Complaint, Plaintiff explicitly references his public adjuster's damages estimate in the amount of \$62,379.50. Complaint, ¶ 13.

8.

State Farm has issued payments to Plaintiff in regard to the Loss totaling \$11,555.53.

9.

In his Complaint, Plaintiff alleges that State Farm failed to "reimburse Plaintiff for the full amount" of the alleged damages to the Property. Complaint, ¶ 24.

10.

In his Complaint, Plaintiff also seeks bad faith penalties and attorneys' fees pursuant to O.C.G.A. § 33-4-6, which could potentially allow Plaintiff to recover an additional fifty percent (50%) of the amount of compensatory damages awarded, plus attorneys' fees. Complaint, ¶ 31.


11.

Without conceding that Plaintiff is entitled to any amounts from State Farm, it is State Farm's belief that, should Plaintiff be awarded the damages he seeks in this matter, he could recover a sum in excess of \$75,000.00, the jurisdictional amount-in-controversy requirement pursuant to 28 U.S.C. § 1332(a).

12.

This Affidavit is given of my own knowledge to be used in support of the Notice of Removal filed on behalf of State Farm in the case Brian J. McCarthy v. State Farm Fire & Casualty Company, and for any other purpose as such Affidavit may be used as provided by law.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.



Tammi Minter
State Farm Fire and Casualty Company

EXECUTED ON: February 2, 2023

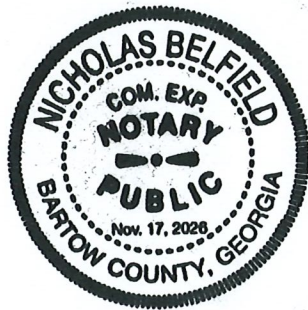

02/02/2023

EXHIBIT 1

Hart's Consulting Co

2416 WILD OAK CT
STOCKBRIDGE, GA 30281
(770) 785-6244 – Same for FAX

russok2@bellsouth.net
Cell – 678.230.1039

Public Adjuster For The People

September 1, 2022

To: **State Farm Ins. Co.**

Claims Department

VIA EMAIL – 9/1/22 – STATEFARMFIRECLAIMS@STATEFARM.COM

Voice xxxx

Re: **Representation of Client**

To Whom It Concerns:

The insured listed below has retained my services. It is my understanding that your office represents the insurer for the claim listed below. If this is not correct, please redirect or advise me accordingly. Also, please note your file for-all-to-see that all correspondences and/or inquiries to this loss are to come through my office.

It is my understanding that the risk has been inspected but now that restorations are underway, your insured disagrees with the extent of the damages determined by the adjuster in State Farm's 2/2/22 estimate. Please have the adjuster contact me in order that I may discuss the scope-of-damages. If necessary, the adjuster and I together can arrange an appointment to inspect the risk in order that we may agree to the exhibited damages.

Finally, please email me a copy of the file photos. I await your reply and will be at your service towards a prompt disposition.

Sincerely,

Russ Hart / Owner

INSURED: Brian & Mary McCarthy

INSURER: State Farm

POLICY NUMBER and DATE: 11LT7701, 6/4/22

CLAIM NUMBER and DATE: 1129g275t, 1/2/22

EXHIBIT 2

Hart's Consulting Co

2416 Wild Oak Ct
Stockbridge, Ga 30281
770.785.6244 voice/FAX
678.230.1039 cell
russok2@bellsouth.net

Insured: Dr. Brian McCarthy - PrelimScope
Property: 1370 Cherokee Trl
White Plains , GA 30678

Cellular: (678) 427-6589

Estimator: Barry Jones
Position: Estimator

Claim Number: 1129G275T

Policy Number: 11LT77013

Type of Loss: Wind Damage

Date of Loss: 1/2/2022 12:00 PM
Date Inspected:

Date Received:
Date Entered: 10/4/2022 12:00 PM

Price List: GAAH8X_OCT22
Restoration/Service/Remodel
Estimate: GA_MCCARTHY-BJ2

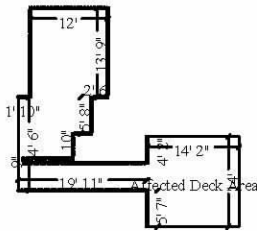
Angela Robinson, as discussed earlier, normally I do not produce an estimate to the carrier until your adjuster and I walked the claim together for agreement on scope. However, to accommodate your request the following is submitted for your consideration but should be accepted in that light. I await your reply to dispatching a field adjuster

Hart's Consulting Co

2416 Wild Oak Ct
 Stockbridge, Ga 30281
 770.785.6244 voice/FAX
 678.230.1039 cell
 russok2@bellsouth.net

CONTINUED - Metal Roof

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
11. R&R Skylight - flat fixed, 9.1 - 10 sf	3.00 EA	45.82	699.28	141.42	475.34	2,852.06
12. R&R Ridge cap - metal roofing	101.92 LF	1.80	4.13	18.18	124.52	747.09
13. R&R Sheathing - OSB - 1/2"	458.45 SF	0.57	1.77	28.61	220.28	1,321.67
Replace plywood over kitchen and family room						
Totals: Metal Roof				490.56	3,166.60	18,999.52
Total: Roof				589.61	3,900.88	23,405.22

Deck**Affected Deck Area****Height: 3'**

170.33 LF Floor Perimeter

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Tree(s) fell onto and damaged portions of the wood deck. Sketch includes the recommended repair portion only.						
14. 2" x 10" x 8' #2 treated pine (material only)	33.00 EA	0.00	19.05	50.29	135.80	814.74
15. 2" x 10" x 20' #2 treated pine (material only)	8.00 EA	0.00	47.62	30.48	82.30	493.74
16. 2" x 10" x 16' #2 treated pine (material only)	13.00 EA	0.00	38.40	39.94	107.82	646.96
17. 2" x 10" x 14' #2 treated pine (material only)	18.00 EA	0.00	33.54	48.30	130.40	782.42
18. 2" x 10" x 12' #2 treated pine (material only)	8.00 EA	0.00	28.69	18.36	49.58	297.46
19. 2" x 10" x 10' #2 treated pine (material only)	1.00 EA	0.00	23.81	1.90	5.14	30.85
20. R&R Labor to install joist - floor or ceiling - 2x10	635.48 LF	1.09	2.39	0.51	442.40	2,654.38
21. 2" x 6" x 20' #2 treated pine (material only)	10.00 EA	0.00	29.94	23.95	64.68	388.03
22. 2" x 6" x 10' #2 treated pine (material only)	8.00 EA	0.00	14.97	9.58	25.88	155.22
23. 2" x 6" x 16' #2 treated pine (material only)	30.00 EA	0.00	23.76	57.02	153.96	923.78

Hart's Consulting Co

2416 Wild Oak Ct
 Stockbridge, Ga 30281
 770.785.6244 voice/FAX
 678.230.1039 cell
 russok2@bellsouth.net

CONTINUED - Affected Deck Area

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
24. 2" x 6" x 12' #2 treated pine (material only)	42.00 EA	0.00	18.04	60.61	163.66	981.95
25. R&R 6" softwood deck planking - Labor only (per SF)	545.46 SF	2.02	4.63	8.29	727.12	4,362.72
26. 2" x 2" x 8' #2 treated pine (material only)	130.00 EA	0.00	4.53	47.11	127.20	763.21
27. 4" x 4" x 8' - treated lumber post - material only	8.00 EA	0.00	19.06	12.20	32.94	197.62
28. R&R Deck hand rail/guard rail - Labor only	113.48 LF	1.14	23.79	2.72	566.36	3,398.14
29. 2" x 6" x 20' #2 treated pine (material only)	4.00 EA	0.00	29.94	9.58	25.88	155.22
30. 2" x 6" x 10' #2 treated pine (material only)	1.00 EA	0.00	14.97	1.20	3.24	19.41
31. 2" x 6" x 8' #2 treated pine (material only)	10.00 EA	0.00	11.98	9.58	25.88	155.26
32. 2" x 6" x 16' #2 treated pine (material only)	2.00 EA	0.00	23.76	3.80	10.26	61.58
33. 2" x 6" x 14' #2 treated pine (material only)	3.00 EA	0.00	21.09	5.06	13.68	82.01
34. Deck pier or footing	6.00 CY	0.00	174.81	75.20	224.82	1,348.88
35. 2" x 6" x 12' #2 treated pine (material only)	1.00 EA	0.00	18.04	1.44	3.88	23.36
Totals: Affected Deck Area				517.12	3,122.88	18,736.94

Entire Wood Deck Area**Height: 3'**

331.51 LF Floor Perimeter



DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
*****PAINTING*****						
36. Prime & paint deck - 2 coats primer, 2 coats paint	1,903.00 SF	0.00	2.30	77.64	890.90	5,345.44
37. Prime & paint ext. railing - 2 coats primer, 2 coats paint	231.00 LF	0.00	15.22	15.89	706.34	4,238.05
Totals: Entire Wood Deck Area				93.53	1,597.24	9,583.49

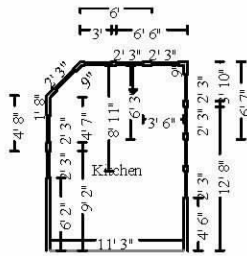
Hart's Consulting Co

2416 Wild Oak Ct
 Stockbridge, Ga 30281
 770.785.6244 voice/FAX
 678.230.1039 cell
 russok2@bellsouth.net

Total: Deck **610.65** **4,720.12** **28,320.43**

Rear Exterior

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
38. R&R Downspout - aluminum - 6"	36.00 LF	0.50	13.15	23.27	102.94	617.61
39. R&R Gutter - aluminum - 6"	71.00 LF	0.50	13.15	45.89	203.02	1,218.06
40. R&R Gutter guard/screen - High grade	71.00 LF	0.64	14.96	17.10	224.94	1,349.64
Totals: Rear Exterior				86.26	530.90	3,185.31

Interior**Kitchen****Height: Sloped**

374.82 SF Walls
 548.29 SF Walls & Ceiling
 19.09 SY Flooring
 41.16 LF Ceil. Perimeter

173.46 SF Ceiling
 171.78 SF Floor
 40.86 LF Floor Perimeter

Missing Wall**11' 3" X 8' 4"****Opens into Exterior**

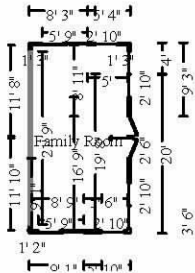
DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
41. Contents - move out then reset	1.00 EA	0.00	65.24	0.00	13.04	78.28
42. Floor protection - cardboard and tape	171.78 SF	0.00	0.70	3.85	24.84	148.94
****Ceiling****						
43. Light fixture - Detach & reset	1.00 EA	0.00	53.88	0.00	10.78	64.66
44. R&R T & G paneling - knotty pine paneling (unfinished)	72.00 SF	0.38	5.81	14.52	92.04	552.24
45. Stain & finish paneling	72.00 SF	0.00	1.83	2.19	26.80	160.75
46. Strip & refinish paneling	101.46 SF	0.00	3.07	6.66	63.64	381.78
47. Additional coats of finish (per coat)	173.46 SF	0.00	0.88	3.33	31.18	187.15
48. Scaffold - per section (per day)	4.00 DA	0.00	25.28	0.00	20.22	121.34
2 sections for 2 days = 4						
49. Scaffolding Setup & Take down - per hour	4.00 HR	0.00	44.45	0.00	35.56	213.36
Includes, delivery, setup, manipulating, take down and return						

Hart's Consulting Co

2416 Wild Oak Ct
 Stockbridge, Ga 30281
 770.785.6244 voice/FAX
 678.230.1039 cell
 russok2@bellsouth.net

CONTINUED - Kitchen

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Totals: Kitchen				30.55	318.10	1,908.50

**Family Room****Height: Sloped**

577.63 SF Walls	284.99 SF Ceiling
862.62 SF Walls & Ceiling	279.00 SF Floor
31.00 SY Flooring	48.75 LF Floor Perimeter
71.02 LF Ceil. Perimeter	

Missing Wall - Goes to Floor**21' 9" X 6' 8"****Opens into Exterior**

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
50. Contents - move out then reset - Extra large room	1.00 EA	0.00	195.71	0.00	39.14	234.85
51. Floor protection - cardboard and tape	279.00 SF	0.00	0.70	6.25	40.32	241.87
****Ceiling****						
52. Ceiling fan - Detach & reset	2.00 EA	0.00	191.91	0.00	76.76	460.58
53. R&R T & G paneling - knotty pine paneling (unfinished)	84.00 SF	0.38	5.81	16.93	107.36	644.25
54. Stain & finish paneling	84.00 SF	0.00	1.83	2.55	31.26	187.53
55. Strip & refinish paneling	200.99 SF	0.00	3.07	13.18	126.04	756.26
56. Additional coats of finish (per coat)	284.99 SF	0.00	0.88	5.47	51.26	307.52
57. Scaffold - per section (per day)	8.00 DA	0.00	25.28	0.00	40.44	242.68
4 sections for 2 days = 8						
58. Scaffolding Setup & Take down - per hour	8.00 HR	0.00	44.45	0.00	71.12	426.72
Includes, delivery, setup, manipulating, take down and return						
*****Walls*****						
59. Stain & finish paneling	577.63 SF	0.00	1.83	17.56	214.94	1,289.56
Water staining noted on portions of the walls						
Totals: Family Room				61.94	798.64	4,791.82
Total: Interior				92.49	1,116.74	6,700.32

Debris Removal

Hart's Consulting Co

2416 Wild Oak Ct
 Stockbridge, Ga 30281
 770.785.6244 voice/FAX
 678.230.1039 cell
 russok2@bellsouth.net

CONTINUED - Debris Removal

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
60. Dumpster load - Approx. 20 yards, 4 tons of debris	1.00 EA	466.67	0.00	0.00	93.34	560.01

Totals: Debris Removal				0.00	93.34	560.01
------------------------	--	--	--	------	-------	--------

Labor Minimums Applied

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
61. Miscellaneous concrete labor minimum	1.00 EA	0.00	173.51	0.00	34.70	208.21

Totals: Labor Minimums Applied				0.00	34.70	208.21
--------------------------------	--	--	--	------	-------	--------

Line Item Totals: GA_MCCARTHY-BJ2				1,379.01	10,396.68	62,379.50
--	--	--	--	-----------------	------------------	------------------

Grand Total Areas:

952.45 SF Walls	458.45 SF Ceiling	1,410.90 SF Walls and Ceiling
450.78 SF Floor	50.09 SY Flooring	591.46 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	112.17 LF Ceil. Perimeter
450.78 Floor Area	488.54 Total Area	952.45 Interior Wall Area
2,391.50 Exterior Wall Area	126.49 Exterior Perimeter of Walls	
5,532.03 Surface Area	55.32 Number of Squares	591.97 Total Perimeter Length
133.46 Total Ridge Length	0.00 Total Hip Length	

Hart's Consulting Co

2416 Wild Oak Ct
 Stockbridge, Ga 30281
 770.785.6244 voice/FAX
 678.230.1039 cell
 russok2@bellsouth.net

Summary for Dwelling

Line Item Total	50,603.81
Material Sales Tax	1,379.01
Subtotal	51,982.82
Overhead	5,198.34
Profit	5,198.34
Replacement Cost Value	\$62,379.50
Less Deductible	(3,683.00)
Net Claim	\$58,696.50

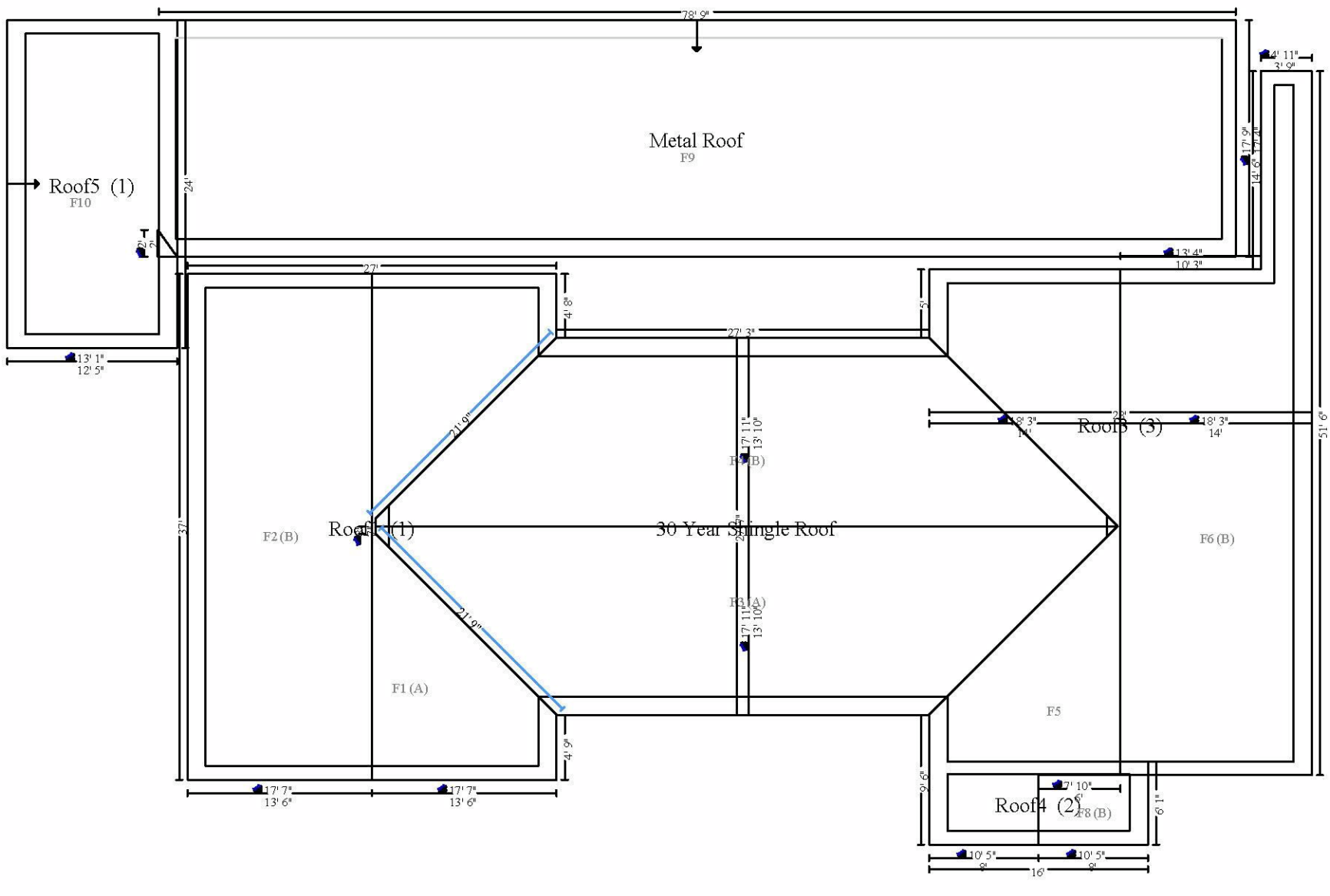
Barry Jones
 Estimator

Hart's Consulting Co

2416 Wild Oak Ct
 Stockbridge, Ga 30281
 770.785.6244 voice/FAX
 678.230.1039 cell
 russok2@bellsouth.net

Recap by Category

O&P Items	Total	%
CONCRETE & ASPHALT	1,222.37	1.96%
CONTENT MANIPULATION	260.95	0.42%
GENERAL DEMOLITION	4,633.90	7.43%
FLOOR COVERING - WOOD	403.43	0.65%
FRAMING & ROUGH CARPENTRY	12,935.67	20.74%
LIGHT FIXTURES	437.70	0.70%
METAL STRUCTURES & COMPONENTS	420.93	0.67%
PANELING & WOOD WALL FINISHES	906.36	1.45%
PAINTING	10,479.33	16.80%
ROOFING	13,499.36	21.64%
SCAFFOLDING	836.76	1.34%
SOFFIT, FASCIA, & GUTTER	2,469.21	3.96%
WINDOWS - SKYLIGHTS	2,097.84	3.36%
O&P Items Subtotal	50,603.81	81.12%
Material Sales Tax	1,379.01	2.21%
Overhead	5,198.34	8.33%
Profit	5,198.34	8.33%
Total	62,379.50	100.00%



Roof

